

Group II: Claims 15 to 17, 19, 21 and 46, drawn to an immunological screening method of a combinatorial librar(y/ies), classified in class 435, subclass 7.1.

Group III: Claims 23 to 24, drawn to a method of screening a sample for analyte binding, classified in class 436, subclass 501+.

Group IV: Claim 13, drawn to specific peptides of SEQ ID NOS. 1 to 5 "or a binding portion thereof", classified in class 530, subclass 324 and additional subclasses dependent upon the length of the "binding portion".

Group V: Claim 33, drawn to a receptor-like molecule comprising a peptide or "binding portion thereof", classified in class 530, subclass 388.22.

Group VI: Claim 35, drawn to an in vivo radioimmunoassay involving tumor antigens, classified in class 436, subclass 545.

Group VII: Claim 37, drawn to a (prostate carcinoma cell antigen binding) peptide comprising SEQ ID NOS. 23 and 24, classified in class 530, subclass 389.7.

Group VIII: Claims 38 and 41, drawn to a molecule comprising a peptide of SEQ ID NOS. 26 to 56 and a composition thereof, classified in class 514, subclass 2+.

Group IX: Claim 39 and 42, drawn to a molecule comprising a peptide of SEQ ID NOS. 57 to 76, classified in class 514, subclass 2+.

Group X: Claim 40, drawn to a molecule which binds a peptide of SEQ ID NOS. 9 "or a portion thereof", classified in a various class/subclasses dependent upon the composition of the "molecule".

Group XI: Claims 43 and 44 drawn to a (polymorphic epithelial mucin binding) molecule comprising the generic SEQ ID NO. 88, classified in class 530, subclass 300.

The Examiner contends that each of Groups I to XI are distinct from the other Groups.

The Examiner has further required an election of a species from among the following sources of complexes:

- (a) a single disclosed species of peptide (or binding portion thereof), if Group IV, VIII, or IX is elected; and
- (b) a specific receptor molecule, if Group V is elected.

In order to be fully responsive, Applicant hereby provisionally elects the invention of Group I, claims 2 to 4, 6, 8, 10, 27, 30, 36 and 45, drawn to an antibody-like molecule comprising a peptide and compositions thereof, classified in class 530, subclass 387.1, with traverse.

With respect to the division of the application into eleven groups of claims, Applicant respectfully traverses the restriction requirement. Applicant submits that to search and examine the claims of Groups I to III together would not be a serious burden. The M.P.E.P. § 803 (Eighth Edition, August 2001) states:

If the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to distinct or independent inventions.

Thus, in view of M.P.E.P. § 803, claims 2 to 4, 6, 8, 10, 15 to 17, 19, 21, 23, 24, 26, 27, 30, and 35 to 46 should all be searched and examined in the subject application.

Accordingly, Applicant respectfully requests that the Restriction Requirement under 35 U.S.C. § 121 be withdrawn and all the present claims be examined in one application.

Alternatively, Applicant respectfully requests that the restriction requirement be revised to place Groups I, IV, V, and VII to XI together, directed to abtides, respectively, and to place Groups II, III, and VI together, directed to methods of identifying and using abtides.

Applicant retains the right to petition from the restriction requirement under 37 C.F.R. § 1.144.

Should the species restriction be maintained, Applicant, upon the allowance of a generic claim, will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim pursuant to 37 C.F.R. § 1.141.

CONCLUSION

Applicant respectfully requests that the present amendment and remarks be entered and made of record in the instant application. An early allowance of the application is earnestly requested. If any issues remain in connection herewith, the Examiner is respectfully invited to telephone the undersigned to discuss the same.

Respectfully submitted,

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